

REMARKS

The Office Action mailed February 4, 2003, has been reviewed. Claims 32 and 33 have been amended to more clearly define Applicant's inventive concept.

In view of the foregoing amended claims and the following arguments, it is believed that the claims now pending in the application are in condition for allowance.

Rejection of Claim Under 35 U.S.C. § 103(a)

In the Office Action mailed February 4, 2003, the Examiner rejected claims 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Hall et al. (U.S. Patent No. 4,149,339) in view of Schiro (U.S. Patent No. 4,666,115).

For the reasons set forth below, the Examiner's rejection of claims 32 and 33 under 35 U.S.C. § 103(a) is respectfully traversed on the basis that the prior art reference of Hall et al. does not teach, disclose, or even suggest Applicant's floral grouping display assembly as recited in Applicant's claims 32 and 33, as amended.

Applicant's inventive concept as recited in claim 32 resides in a sheet of material rolled about a stem end of a floral grouping to provide a wrapper for the floral grouping. The bloom end of the floral grouping is exposed and one of the first and second sides of the sheet of material overlaps the lower surface of the sheet of material. The lower surface of the sheet of material is releasably connected to a wall.

The Hall et al. reference teaches a plant holder having two superimposed sheets of flexible material that are joined together to form a pocket for holding a plant and a water reservoir. The plant holder of Hall et al. is not rolled about the plant as now required by Applicant's claim 32; rather, the sheets of material are formed and sealed to provide a single opening so that the plant may be placed into the opening of the plant holder. Further, there is no teaching or suggestion in Hall et al. that a lower surface of a sheet of material is releasably connected to a wall.

The Examiner has recognized that the Hall et al. reference does not disclose a wall and the sheet of material connected to the wall and has attempted to supply the deficiency with the plant hanger of Schiro. However, it is respectfully submitted that Schiro does not

supply the deficiency of Hall et al. Schiro teaches a hanger for plants on fences and other surfaces, such as walls. The hanger has a support member with a horizontal portion having a rear end and a front end. The rear end of the horizontal portion of the support member is mounted to a wall. A hole extends through the horizontal portion proximate the front end of the horizontal portion. A rope supporting a potted plant is inserted into the hole so that the potted plant hangs from rope supported by the support member a distance from the wall. There is no teaching in Schiro of releasably connecting a lower surface of the potted plant to the wall.

As the Examiner is aware, the prior art must suggest the desirability of the claimed invention. Providing the plant holder in Hall et al. with the plant hanger of Schiro would not provide one with the capability of releasably connecting the lower surface of a sheet of material to a wall as recited in Applicant's amended claim 32. The plant hanger taught in Schiro could arguably releasably connect the plant holder in Hall et al. from the wall, however, even if the plant hanger in Schiro was used with the plant holder in Hall et al., the plant hanger in Schiro would prevent the lower surface of a sheet of material to be releasably connected to the wall, which is directly contrary to the floral grouping display assembly claimed herein. Specifically, the plant holder in the Hall et al. reference has a pair of hanger straps extending from the upper edge of the plant holder for hanging the plant holder from a horizontal extending support or other suitable support. Thus, the plant holder in Hall et al. could arguably be supported from the plant hanger in Schiro. However, the Hall et al. reference in combination with the Schiro reference does not teach or suggest the lower surface of the plant holder being releasably connected to the wall. Clearly, claim 32 would not be obvious with respect to such a combination.

Applicant's claim 33, as amended, recites a transparent sheet of material rolled to define a container. The container has an open upper end and an open lower end.

As to claim 33, the Examiner argues that it would have been obvious to modify the assembly of Hall et al. by using it with the wall and connection as disclosed by Schiro so as to use the plant holder with a reservoir connected to a wall so as to avoid constant watering of the floral grouping.

The Hall et al. reference teaches a plant holder formed of flexible material that has a pocket for a plant and a water reservoir. The pocket formed by the flexible material in Hall et al. is sealed with the intention of holding water leaving a single opening with which to place the plant into the pocket.

This is contrary to Applicant's sheet of material as recited in claim 33, as amended. The sheet of material is rolled to define a container that has an open upper end and an open lower end. The container formed in Applicant's claim 33, as amended, is not intended to hold water as is the pocket in Hall et al. Hall et al. does not teach, disclose, or even suggest a sheet of material that is rolled to define a container having an open upper end and an open lower end. In fact, Hall et al. teaches away from such a modification since modifying the Hall et al. plant holder so that it has an open bottom would clearly destroy the intended function of the plant holder disclosed by Hall et al of being able to hold water. Hall et al. therefore cannot be used as a basis, either alone or in combination with Schiro, to establish a prima facie case of obviousness over claim 33, as amended.

In view of the above, Applicant submits that claims 32 and 33, as amended, are not obvious over Hall et al. in view of Schiro within the meaning of 35 U.S.C. § 103(a). In light

of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 32 and 33, as amended, under 35 U.S.C. § 103(a).

Other References

Patents to Sable, Weder et al. ('506), Hicks, Pruchnow, and Pesola et al., cited as pertinent art, have been reviewed and considered. It is believed that such patents do not teach Applicant's invention of a floral grouping display assembly as recited in amended claims 32 and 33.

Summary

This amendment is intended to be a complete response to the Office Action mailed February 4, 2003. It is respectfully submitted that this application, as now amended, is in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider each and every rejection as applicable to pending claims 32 and 33 in the application and issue a Notice of Allowance therefor.

Should the Examiner have any questions, the Examiner is requested to contact the Applicant's attorney at the Examiner's convenience to discuss any matters which can be resolved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas D. Rouse", written over a horizontal line.

Nicholas D. Rouse, Reg. No. 36,992
DUNLAP, CODDING & ROGERS, P.C.
9400 N. Broadway, Suite 420
Oklahoma City, Oklahoma 73114
Telephone: (405)478-5344
Facsimile: (405)478-5349

Attorney for Applicant